

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,273

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating his food stamps and medicaid benefits. The issue is whether the petitioner has resources in excess of the maximum under those programs.

FINDINGS OF FACT

The facts are not in dispute. The petitioner receives Social Security benefits of \$660.00 a month. He lives alone in subsidized housing and has an extremely simple and frugal lifestyle. As a result, his income usually exceeds his expenses. The petitioner maintains two bank accounts into which he deposits his excess income each month.

Up until August, 1993, the petitioner received food stamps and medicaid based on his income and resources. In August, however, the Department discovered that his combined resources--i.e., his bank accounts--had gone well over the maximum for those two programs, and it notified the petitioner that his benefits under those programs would terminate as of September 1, 1993.

At the hearing in this matter it was explained to the petitioner that he would become eligible again for these programs as soon as he spent his resources down below the program maximums. The petitioner indicated he understood this, but said he would have to decide if he needed anything badly enough to spend the money. ⁽¹⁾

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this matter that at least as of August, 1993, the petitioner has had money in bank accounts totalling in excess of the resource maximums for food stamps and medicaid--both of which are \$2000.00. (2) The petitioner's ability to save money on such a limited income is admirable, if not astonishing. It appears that he understands, however, that unfortunately the regulations make no allowances for such frugality. He is again advised to promptly reapply for benefits if he spends his resources down below the program maximums.

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1. The petitioner was originally represented by legal counsel in this matter, who indicated that he had also explained the petitioner's options to him.
2. See Food Stamp Manual § 273.8(b) and Medicaid Manual § M230